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REMARKS

Claims 16, 20, 22, 32, 44, 47 and 48 are currently amended. Claim 55 has been added and therefore is pending in the present application.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. The Rejection of Claims 47 and 48 under 35 U.S.C. 112

Claim 47 was rejected as being indefinite. The claim has been amended in response to this rejection. Reconsideration is urged.

Claim 48 has been amended to make it an independent claim as suggested by the Examiner. Reconsideration is urged.

II. The Rejection Under the Doctrine of Obvious-Type Double Patenting

Claims 16 and 18 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,245,901. Claims 16-22, 24-26, 28, 32-40, 43-46 and 50-52 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 78 and 122 of U.S. Application No. 09/957,806. These rejections are respectfully traversed.

U.S. Patent No. 6,245,901 claims modified proteases; however, does not claim the protease variants of the amended claims. U.S. Application No. 09/957,806 presently does not claim the protease variants of the amended claims, especially since, *inter alia*, claims 78 and 122 of U.S. Application No. 09/957,806 were canceled by Preliminary Amendment dated September 21, 2001.

Finally, under sections 804 and 822.01 of the Manual of Patent Examining Procedures, if a provisional double patenting rejection in one application is the only rejection remaining in that application, that rejection should be withdrawn and the provisional double patenting rejection in the other application be converted into a double patenting rejection. In accordance with this practice, Applicants request that the obviousness-type double patenting rejection based on U.S. Application No. 09/957,806 be withdrawn in the present application.

For the foregoing reasons, Applicants submit that the claims overcome these rejections under the doctrine of obviousness-type double patenting. Applicants respectfully request reconsideration and withdrawal of the rejections.

III. The Rejection of Claims 16-18, 20, 22, 32, 44, 50, 53 and 48-54 under 35 U.S.C. 102

Claims 16-18, 20, 50, 53 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by von der Osten et al. (U.S. Patent No. 6,245,901). Claims 16-18, 22, 32, 44 and 48-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Poulouse et al. (U.S. Patent Nos. 6,312,936, 6,482,628 and 6,927,055). Claims 16-18, 22, 32, 44 and 48-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Ghosh et al. (U.S. Patent Nos. 6,376,450, 6,610,642 and 6,838,425). Claims 16-18, 20, 50, 53, 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Roggen et al. (U.S. Application Publication No. 2005/0181446). These rejections are respectfully traversed.

The cited references disclosed protease variants. However, none of the references disclose or suggest the protease variants of the amended claims.


For the foregoing reasons, Applicants submit that the claims overcome these rejections under 35 U.S.C. 102. Applicants respectfully request reconsideration and withdrawal of the rejections.

IV. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone at (212) 840-0097 (X14) if there are any questions concerning this amendment or application.

Respectfully submitted,

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Michael W. Krenicky, Reg. No. 45,411
Novozymes North America, Inc.
500 Fifth Avenue, Suite 1600
New York, NY 10110
(212) 840-0097 X 14